

## UNITED STATES DISTRICT COURT

MAR 24 2015

for the  
Southern District of Texas

United States of America )

v. )

Francisco Javier MENDOZA-Esquivel YOB 1978 )

COB: Mexico )

Case No. M-15-0430-M-01Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 23, 2015 in the county of Hidalgo in the Southern District of Texas, the defendants violated 18 U. S. C. § 922(g)(5)(A) an offense described as follows:

Being an alien, who is unlawfully present in the United States did knowingly ship, transport, possess, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, to wit: Approximately five-thousand-eight hundred and sixty (5,860) cartridges of 7.62 x 39 mm caliber ammunition.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet

Approved by: Linda Revere E. AVSA  
3/24/15

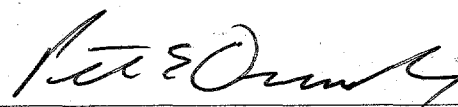


Complainant's signature

Omar Garza, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/24/2015City and state: McAllen, Texas

Judge's signature

Peter E. Ormsby, U.S. Magistrate

Printed name and title

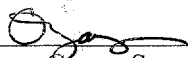
Attachment A

On March 23, 2015, Homeland Security Investigations (HSI), Harlingen, TX Special Agents (SAs) conducted a consensual search for firearms and ammunition at 145 W. Dicker Rd., Pharr, TX. At said residence, SAs encountered Francisco Javier MENDOZA-Esquivel, a citizen of Mexico unlawfully present in the United States and Carolina GRIMALDO-Cruz, a citizen of Mexico and Legal Permanent Resident (LPR). GRIMALDO-Cruz gave SAs a verbal and written consent to search the residence. At the same time MENDOZA-Esquivel was outside of the residence and advised SAs that there was 7.62 x 39 mm ammunition inside the residence in a room he occupied and more ammunition in a tool box outside of the residence. During the consensual search of the residence SAs discovered approximately 4,000 cartridges of 7.62 x 39 mm ammunition in a room occupied by MENDOZA-Esquivel and approximately 1,860 cartridges in a tool box located outside the residence.


MENDOZA-Esquivel was read his Miranda Rights in Spanish by HSI SA's and waived his right to have an attorney present and provided a statement.

MENDOZA-Esquivel stated that he was living in the United States illegally and that he had a prior arrest and conviction for narcotics smuggling. MENDOZA-Esquivel stated that he knew it was illegal for him to possess ammunition because he was living in the country illegally. MENDOZA-Esquivel stated that the ammunition that was at his residence was purchased by GRIMALDO-Cruz because he was in the country illegally and he did not possess a form of identification (ID) to purchase the ammunition. MENDOZA-Esquivel stated that the ammunition at his residence was purchased via the internet approximately one week prior and was delivered to said residence on March 23, 2015. MEDONZA-Esquivel went on to say that he was going to get paid approximately \$100.00 for every 100 boxes of ammunition he was able to acquire.

MENDOZA-Esquivel stated that the ammunition was going to be illegally exported into Mexico. MENDOZA-Esquivel also stated that he is aware it is illegal to export ammunition into Mexico and that he does not possess a license to export ammunition.

  
Omar Garza, Special Agent  
Homeland Security Investigations

Sworn to before me and signed in my presence on March 24, 2015, in McAllen, Texas.

  
Peter E. Ormsby  
United States Magistrate Judge